THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.24129 OF 2005

DATED:15.11.2005

Between:

Sri Modegunta Sanjivaiah

…Petitioner

And

The District Collector

Nellore District, Nellore and another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.24129 OF 2005

ORDER:

The petitioner allegedly purchased an extent of Acs.40.00 of dry land in S.No.1904 of Nellore Bit-I, Khadar Nawaz Khan Peta, Kothur Village, Nellore District. He alleges that he sold an extent of Acs.30.00 of land under two registered sale deeds in 1988 to one Bhogala Gangadhara Reddy and others, and petitioner allegedly continues to be in possession of remaining land admeasuring Acs.10.00. When the purchasers to whom he sold Acs.30.00 in 1988 tried to trespass, the petitioner filed O.S.No.529 of 1991 on the file of the Court of III Additional Junior Civil Judge, Nellore, for permanent injunction. The said Court appears to have passed a decree on 2.4.1998 in favour of the petitioner. Be that as it is, the petitioner made an application in January, 2005 to the second respondent requesting survey of the land

admeasuring Acs.40.00. By endorsement dt.4.4.2005 second respondent rejected the request of the petitioner observing that the petitioner sold an extent of Acs.30.00 to Bhogala Gangadhara Reddy and others and granted perpetual lease in respect of remaining land of Acs.10.00 in favour of Simhapuri Public School management. The Mandal Revenue Officer also observed that the petitioner has transferred the right to others and therefore at his request, no survey can be conducted. Assailing the endorsement of the second respondent, present Writ Petition is filed.

Learned counsel for the petitioner strenuously contends that before conducting enquiry second respondent did not issue any notice to the petitioner and therefore the endorsement is not correct. This Court is not able to accept the submission of the learned counsel for the petitioner.

The Mandal Revenue Officer in his endorsement refers to registered documents, which were executed by the petitioner in favour of third parties. Even according to the petitioner, he sold Acs.30.00 to Bhogala Gangadhara Reddy and others and it was found by the Mandal Revenue Officer that the remaining Acs.10.00 of land was granted by way of perpetual lease. Therefore, this Court does not find any infirmity in the endorsement issued by the Mandal Revenue Officer. If the petitioner still has any grievance, he may approach the higher revenue officials for redressal.

The Writ Petition with the above observations is accordingly dismissed.

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(V.V.S.RAO, J)

15.11.2005

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